

1911-005 Chancery Causes: S. E. Carter to vs. C. A. Carter to
Lee Co.

2 Plats

CA - Estate Dispute
T - Property

To the Hon.H.A.W.Skeen, Judge of the Circuit Court for
Lee County, virginina:

Humbly complaining, your orators, S.E. Carter, Hattie B. Carter,
Moran Carter, and G.T. Carter would respectfully represent and show
unto your honor :

That their father, E.P. Carter departed this life on the ____
day of ____ 1910; that he died intestate, and seized and possessed
of three tracts of land, aggregating in the whole about two hundred
and ten acres, situate and being in Lee County, Virginia, on the waters
Powel's River near Zions Mills, copies of his deeds are herewith
filed, marked "Deeds", and prayed to be read and treated as a part
of this bill. That he left a widow, one C.A. Carter, who is entitled
to dower in said lands, and twelve children, to-wit: your orators,
Tip Carter, Elizabeth Carter, Robert Carter and Rhea Carter
and ~~Fred A. Carter, Robert Carter, Anna Esther Carter, Dora Kate Carter,~~
children by a former marriage, and ~~Tip Carter, Elizabeth Carter, Robert~~
Fred A. Carter, Robert Carter, Anna Esther Carter and Dora Kate Carter
Carter, and Rhea Carter, children his last marriage and children of the
said C.A. Carter. That all of said children except your orators are
infants under the age of twenty one years, the last four being
under the age of fourteen years. That the aforesaid twelve children
are the only heirs at law of the said E.P. Carter, deceased, and
are entitled to have said lands partitioned among themselves,
after dower is assigned to the said C.A. Carter, if said land can be par
titioned in kind, and if not, to have said land sold and the proceeds
of said sale divided among said children, share and share alike.
The object of this bill is, therefore to have dower in said lands
assigned to C.A. Carter, and to have said lands parttitioned among
said twelve children, if the same can be done in kind, and if not,
to have said lands sold, and the proceeds divided among those entitled
thereto. And your orators here allege that the said lands can be
parttitioned in kind.

The prayer of your orators is, that the said C.A. Carter, Fred
Carter, Anna Esther Carter, Dora Kate Carter, Tip Carter, Elizabeth
Carter, Robert Carter and Rhea Carter be made parties defendant
to this bill, and that they be required to answer the same, but not

on oath that being expressly waived. that C.A. Carter answer in her own proper name, she being an adult, that the infant defendants answer by guardian ad litem, and that a guardian ad litem be appointed for the infant defendants, and that he be required to answer for said infants ; and that such of said infants over the age of fourteen years, be required to answer also in their own proper persons, that commissioners be appointed to assign dower in all the lands of which said E.P. Carter died seized, and commissioners likewise be appointed to partition said lands among the children of said E.P. Carter, if the same can be done in kind; and if ~~maxixxi~~ said lands cannot be partitioned in kind to report that fact to the court: that if said lands cannot be partitioned in kind, that it be sold, and the proceeds of sale be divided among those entitled thereto; that if necessary, this bill be treated as motion in so far C.A. Carter is concerned, to assign dower to her on the part of the heirs of said E.P. Carter. And that all such other, further and general relief be afforded your orators as in the premises may be just and right and they will ever pray, etc.

 J. L. Wood p.q.

Costs:

Clerk \$15.95
Tax 1.50
Shiff. 5.50
Atty. 25.00
G.A.L. 5.00
Views &c. 48.00
\$100.95

S. E. Carter et al.
vs Bill & Henry
C. F. Carter et al.

Filed 2nd June Rules,
1910.

W. C. Ewing,
Clerk.

1910 2nd June Rules

Bill filed Spa.
executed as to
adult defen-
dant & D. N.

1st Aug. Rules

D. N. confirmed
& Cause set
for hearing.

may be just and right and they will ever find, etc.

To the Honorable H. A. W. Skew,
Judge of the Circuit Court of Lee
County, Virginia:

The answer of Fred A. Carter,
Robert Carter, Anna Esther Carter,
Dora Kate Carter, Lip Carter, Elizabeth
Carter, Robert Carter and Rhea
Carter, ~~by Geo. P. Cridder~~, infants
under the age of twenty-one
years, by Geo. P. Cridder their
Guardian ad litem assigned
by the Court to defend them
in this cause, to a bill
exhibited against them and
others ~~by~~ in this Honorable
Court, by S. E. Carter, Hattie B.
Carter, Morau Carter and G. J.
Carter.

For answer to said bill, or
so much thereof as they are
advised it is material they
should answer, by their said
Guardian ad litem, answering
they say:

That they are infants of
tender years and by reason
of their infancy they are in-
capable of understanding or
of taking care of their rights

and interests, they, therefore, by their said Guardian ad litem pray that the Court will guard and protect their rights and interests in this cause, and that no decree may be entered therein which will be to their prejudice.

And now having fully answered said bill as fully as they are advised that it is material or necessary that they should answer they ~~submit~~ the pray to be hence dismissed with their costs in this behalf expended.

Geo. P. Cridlin, Guardian
ad litem for infants
defendants.

Sworn to before me by Geo. P. Cridlin, Guardian ad litem for Fred A. Carter, Robert Carter, Anna Esther Carter, Dora Kate Carter, Zip Carter, Elizabeth Carter, Robert Carter and Rhea Carter. This Sept. 17, 1910.

H. C. J. Ewing, clerk.

S. E. Carter et al
vs. { In Chy
C. A. Carter et al

Answer of Geo. P. Cridlin, D.A.L.

Filed Sept. 17, 1910.

H. C. J. Ewing, Clerk.

IN THE CIRCUIT COURT FOR LEE COUNTY, VIRGINIA.

S. E. Carter, et al., Complainants,

vs.

DECREE #3.

C. A. Carter, et al., Defendants.

This cause came on this day to be heard upon the papers formerly read; and the report of the commissioners, ~~dated xxxxxxxx 25th day xxx~~ and the exhibits filed therewith, which report was filed on the 31st day of January, 1911, more than ten days before this date, and to which no exception was taken; and was argued by counsel.

On consideration whereof, and it appearing to the court that in the partition made by the said commissioners there was layed off and assigned to C. A. Carter, the widow of E. P. Carter, deceased, as her dower one-third of all of the lands of which the said E. P. Carter died seised and possessed, kind, quality and improvements considered, bounded and described as follows, to-wit:- Thirty Eight and One-Fourth ~~xxx~~(38 1/4) acres out of Tract #1, as ~~shown~~^{shown} on the

Plat filed with said commissioners' report, Beginning at a planted stone on W. B. Litton's line, shown on the Plat as A, thence with said line N. 21 W. 12 poles to a white oak, corner to said Litton's land, shown on Plat at B, thence continuing with his line N. 88 3/4 E. 42 poles to a stake at C, thence leaving said Litton's line N. 17 W. 34 poles to a stake on the South edge of the New Road, Wx N. 83 W. 14 poles to a stake, S. 73 1/2 W. 20 poles and 14 links to a persimmon tree, below the Big Spring, S. 46 3/4 W. 12 poles to a stake, S. 25 1/4 W. 7 poles and 6 links to a stake in the branch, S. 56 1/2 W. 5 3/4 poles to a stake on Youngs line at G, thence with the same S. 1 W. 12 poles, S. 35 W. 5 1/2 poles, ~~Sxx22xWxxkRxxkxx~~ S. 6 1/2 E. 7 1/2 poles, S. 14, W. 9 poles, S. 50 W. 2 poles, S. 22 W. 19 poles and 5 links to a sassafrass, S. 79 E. 13 poles to a stake, S 6 E. 28 poles to a rock at H, S. 79 E. 39 poles to the beginning, including the improvements on the above described tract; that there was layed off and assigned to Fred A. Carter, Rosebert Carter, Dora Kate Carter, and Anna E. Carter, the children of the said E. P. Carter, deceased, by the said C. A. Carter, one-third in value of the remainder of the lands of the said E. P. Carter, bounded and described as follows, to-wit: Beginning at a stake on W. B. Litton's line, a corner to the dower of the said C. A. Carter, shown the plat at C, thence with said Litton's line N. 88 3/4 E. 58 1/2 poles to a stake on top of a ridge at J, thence up the said ridge N. 8 1/2 E. 18 poles to a black oak, N. 1 W. 20 poles to three small chestnuts, N. 17 W. 25 poles to a black oak, a corner to the Tobias Hughes land, thence up the ~~xxxxxxridge~~ ridge N. 27 1/2 W. 45 3/4 poles to a stake (old pointers corner), N. 62 W. 36 poles to a double chestnut (now down), N. 44 W. 29 1/2 poles to a cucumber and maple at K, S. 67 3/4 W. 73 1/2 poles to a stake in the branch, one pole below the spring at L, thence down the spring branch S. 9 E. 9 poles to a stake, S. 1 E. 18 poles, S. 26 1/2 E. 14 poles, S. 14 E. 14 poles, S. 1 W. 4 poles to G, a stake corner to the C. A. Carter dower, thence with the line of the same N. 56 1/2 E. 5 3/4 poles to a stake in the branch, N. 25 1/4 E. 7 poles and 6 links to a stake, N. 46 3/4, E. 12 poles to a persimmon tree at F, N. 73 1/2 E. 20 poles and 14 links to a stake, S. 33 E. 14 poles to a stake at D, S. 17 E. 34 poles to the Beginning,

being the remainder of Tract #1, as shown on the plat filed with said commissioners' report and containing 64 $\frac{3}{4}$ acres; that there was layed off and assigned to S. E. Carter, M. O. Carter, Hattie Carter, Gale Carter, ^{Elizabeth Carter}, Elizabeth Carter, Robert Carter, and Rhea Carter, the children of the said E. P. Carter, deceased, by his first marriage, two-thirds in value of said lands after said dower had been assigned, to-wit, Tract #2, as shown on the plat filed with said commissioners' report and known as the "Wolfe Pen Hollow Tract", and one-half of Tract #3, as shown on said plat and known as the "Gilbert Tract", kind quality, and improvements considered, Tract #2 being bounded as follows, to-wit:-

Beginning at a planted stone, a corner to John L. Music, shown on the plat at Index 1, N. 1 $\frac{1}{2}$ W. 36 poles to a maple, chesnut oak, chestnut and small hickory on steep ground, and on the Hobb's line, thence with the same, S. 77 $\frac{1}{4}$ W. 77 poles to three dog-woods on the north side of a ridge, near the foot of a steep bank, a corner to Thomas Golloways land, S. 1 W. 85 $\frac{1}{2}$ poles to a planted stone at 4, S. 1 $\frac{1}{2}$ W. 140 poles to small bushes marked, 20 links below a large rock on the bank of Powell River at 5, thence up the river as it meanders 62 poles to a Black walnut on the north bank of Powell River at 6, thence N. 3 E. 34 poles to two black oaks and a dog-wood on a bluff at 7, S. 65 $\frac{3}{4}$ E. 28 poles to a white oak and sugar tree, (3), N. 1 W. 64 poles to a planted stone, corner to John L. Music, at 9, N. 88 $\frac{1}{2}$ W. 50 poles and 10 feet to a stake in a fence at 10, N. 2 $\frac{1}{2}$ W. 21 $\frac{1}{4}$ poles to a stake, N. 1 $\frac{3}{4}$ W. 45 poles to a gate post, (11), N. 64 $\frac{1}{2}$ E. 18 poles to a rock and white oak near a spring, N. 47 $\frac{3}{4}$ E. 15 poles to three chestnuts on a spur at 12, N. 1 $\frac{1}{4}$ W. 33 poles to a rock at 13, N. 74 $\frac{1}{2}$ E. 24 poles to the Beginning, containing 72 acres; and

One half of Tract #3 being bounded as follows, to-wit:-

Beginning at a white oak (down), shown on the plat at Index 1, N. 41 E. 12 poles to a persimmon tree at 2, S. 44 E. 3 Poles to a small white oak, S. 33 $\frac{1}{4}$ E. 20 $\frac{1}{4}$ poles to a sassafrass, S. 12 E. 26 poles to a small white oak, S. S 53 $\frac{1}{2}$ E 49 poles to a black walnut (old marked corner) at 3, S. 19 $\frac{1}{2}$ E. 35 poles to a stake, 5 $\frac{1}{2}$ poles short of a scyamore on the north side of Powell's River, S. 60 $\frac{1}{2}$ E. 44 poles to a stake in a flat, N. 55 E. 24 $\frac{1}{2}$ poles to a scyamore, dog-wood, and water birch on the north bank of Powell's River, shown on the plat at 5, thence northwardly up Powell's River as it meanders 172 poles to a stake and small black oak, corner to William Gunn, N. 42 $\frac{1}{2}$ W. 30 poles to ~~xxxxxxx~~ a white oak snag on top of the river bluff, S. 77 $\frac{1}{2}$ W. 12 poles to a planted stone, S. 28 $\frac{1}{2}$ W. 40 poles to the beginning containing 28 $\frac{1}{2}$ acres: the court doth adjudge, order, and decree that the said report of the said commissioners be confirmed, and that the partition in manner and form as aforesaid made, be held firm and stable.

And it is ordered that the costs of this suit be borne, one-third by the above mentioned children of E. P. Carter, deceased, by his wife, C. A. Carter, and two-thirds by the above-named children by his first marriage, and that no costs be taxed against the said

C. A. Carter, the costs to include the sum of \$ ~~taxes~~ to said commissioners for making said partition, and that the sum of \$25.00 be allowed J. C. Noel, attorney, for bringing ~~this~~ suit, and

the administrator is hereby directed to pay said costs if there be sufficient means in his hands. And the clerk will record said report. And the same no objection from the docket.

Virginia, Lee County, to-wit:

In the Clerk's office of Lee County, on this the 21st day of March, 1911, the foregoing decrees, commissioners' report and plat were presented, and admitted to record.

Teste: H. C. J. Ewing,
Clerk.

S. E. Carter, et al.,
v. } Decree # 3
C. A. Carter, et al.

Entered in
Col. 2, No. 9, page
1257c

Recorded in Deeds
Book 50, Page 604
Examined Feb 22, 1911
Indexed.

Enter this decree
This Feb. 21, 1911,
H. C. J. Ewing
Judge.

Virginia,

At a Circuit Court continued and held for Lee County, at the Courthouse thereof, on Friday, the 9th day of December, 1910.

S. E. Carter, et al,

Plaintiffs.

vs.

C. A. Carter, et al.

Defendants.

This cause came on this day to be again heard upon the papers formerly read and the report of W. E. ^{Thompson} and M. R. Gilley, F. K. Wilson, Geo. Tritt and Charles B. Tritt, Commissioners appointed by the court by a decree entered in this cause on 17 day of Sept. 1910, which said report was filed on the 29th day of Nov. 1910; and was argued by counsel. Upon consideration of all which and said report having been filed more than ten days with the clerk of this Court, and there being no exceptions thereto, it is adjudged, ordered and decreed that said report be and the same is hereby confirmed. And it appearing that said Commissioners cannot partition the lands mentioned in said bill in accordance to the directions and instructions contained in the decree entered in this cause on the 17th day of Sept. 1910. It is therefore adjudged, ordered and decreed that said commissioners go back upon said land mentioned in said bill and partition the same to those entitled thereto as follows, if the same can so be done: that is, they will lay off and assign to C. A. Carter, the widow of E. P. Carter as her dower in said lands, one third of all said lands, kind, quality and improvements considered. Of the residue of said land they will lay off and assign to the children of E. P. Carter by his former marriage two-thirds in value, in a boundary or boundaries jointly, kind and quality considered; they will then lay off and assign in a boundary or boundaries, the remaining one third of the residue of said lands, to the children of the said E. P. Carter by his latter marriage jointly, kind and quality considered. If any part of said lands cannot be partitioned in kind said commissioners will so report. And said commissioners will report their action to the next term of this court, until which time this cause is continued.

A copy,

Teste:

H. C. J. Ewing, Clerk.

S. E. Carter, et al.
vs Deere.
C. A. Carter, et al.

Copy for return of
officer.

Executed by common
the with in witnesses
named this Dec 27 1910
Thomas Carney D.S.
Jas W. Jucker P.S.

Recorded in Deeds
Book 50, page 600c
Examined Feb. 22, 1911.
Indexed.

S. E. Carter, et als

Plffs.

20

C. A. Carter, et als.

Defts.

This Cause came on this day to be again heard upon the papers formerly read, ^{Thompson} the report of W. E. M. R. Gilley, H. K. Wilson, Geo. Trill and Charles B. Trill, Commissioners appointed by the Court by a decree entered in this Cause on 17 day of Sept. 1910, which said report was filed on the 29th day of Nov. 1910; and was argued by Counsel.

Upon Consideration of all which, and said report having ^{been} filed more than ten days with the Clerk of this Court, and there being no exceptions thereto, it is adjudged, ordered and decreed, that said report be and the same is hereby confirmed. And it appearing that said Commissioners cannot partition the lands mentioned in said bill in accordance to the directions and instructions contained in the decree entered in this Cause on the 17 day of Sept. 1910; it is therefore adjudged ordered and decreed that said Commissioners, go back upon said lands mentioned

in said bill, and partition
the same to those entitled thereto
as follows: if the same can
so be done: that is, they will
lay off and assign to C. H.
Carter, the widow of E. P. Carter
as her dower in said lands, one
third of all said lands, kind
quality and improvements considered.
Of the residue of said land
they will lay off and assign
to the children of E. P. Carter
by his former marriage, two thirds
in value, in a boundary or boundaries
jointly, kind and quality considered;
they will then lay off and assign
in a boundary or boundaries, the
remaining one third of the residue
of said lands, to the children of
the said E. P. Carter by his latter
marriage, jointly, kind and
quality considered. If any part
of said lands cannot be partitioned
to kind said Commissioners will
so report, and said Commissioners
will report their action to the
next term of this court. Until which
time this cause is continued.

S. E. Carter et al.
no } Decree no 2
B. A. Carter et al.

Entered in C. B.
No. 9. page 87 &c

Enter this decree
this Dec. 9th 1910.

H. C. W. Stum
Judge.

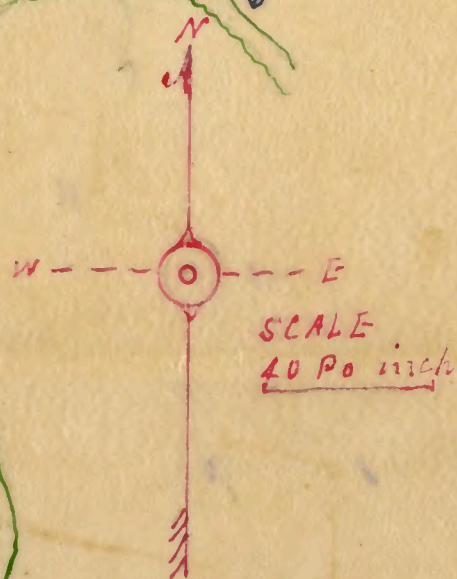
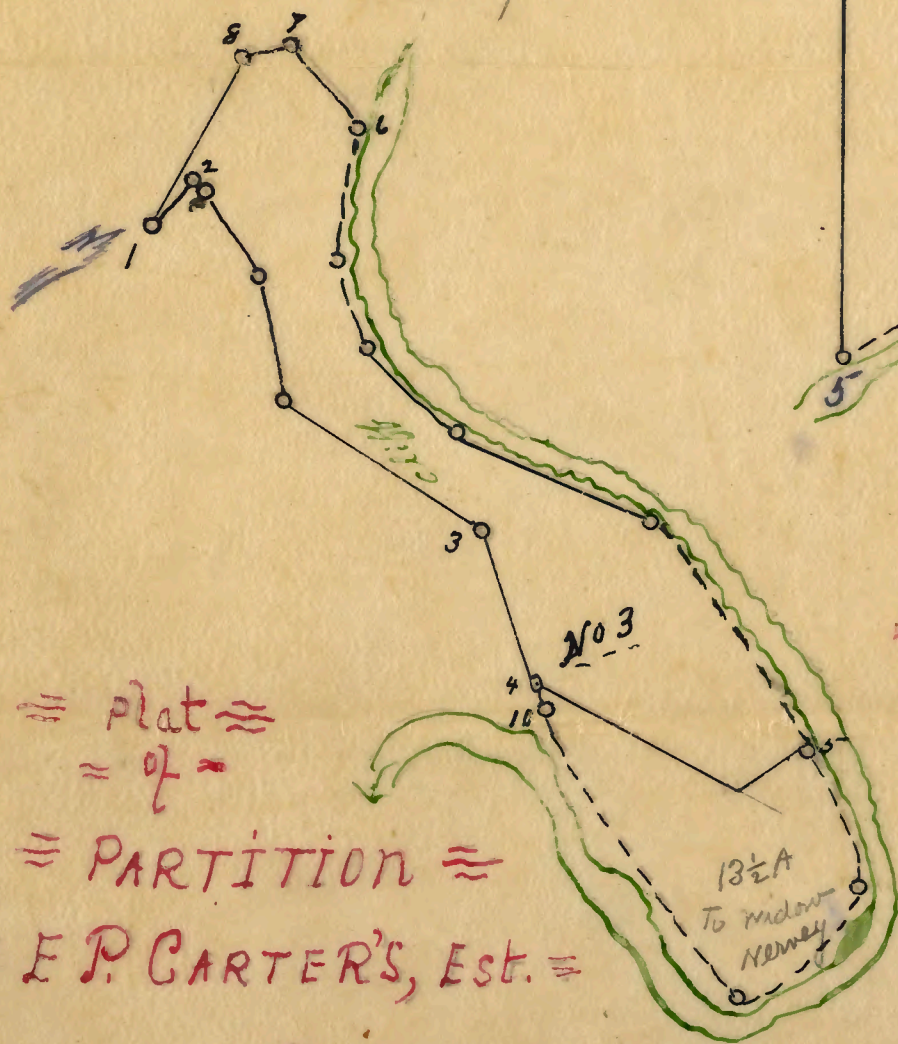
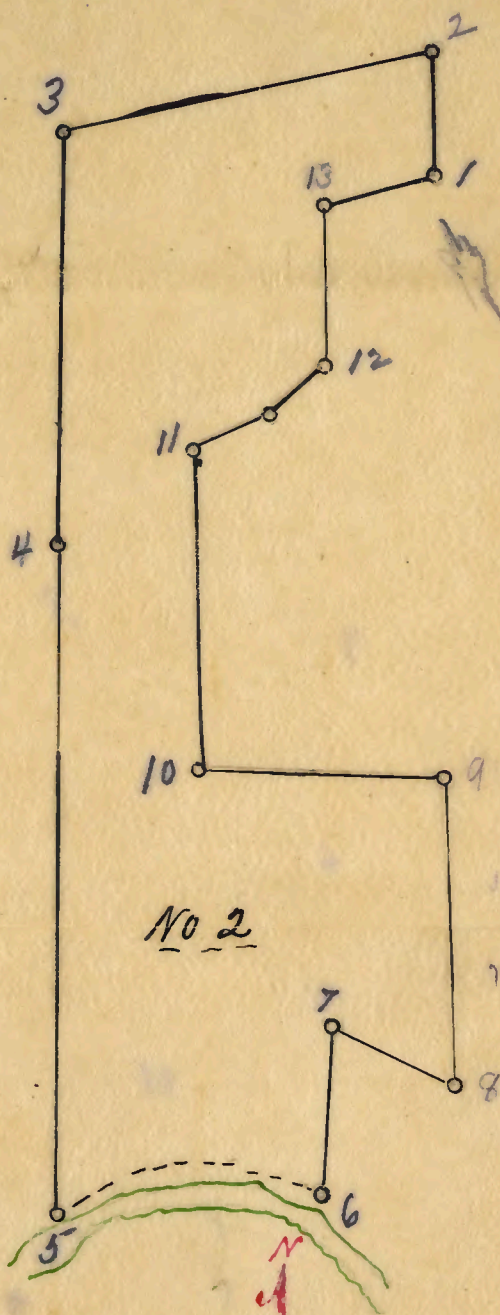
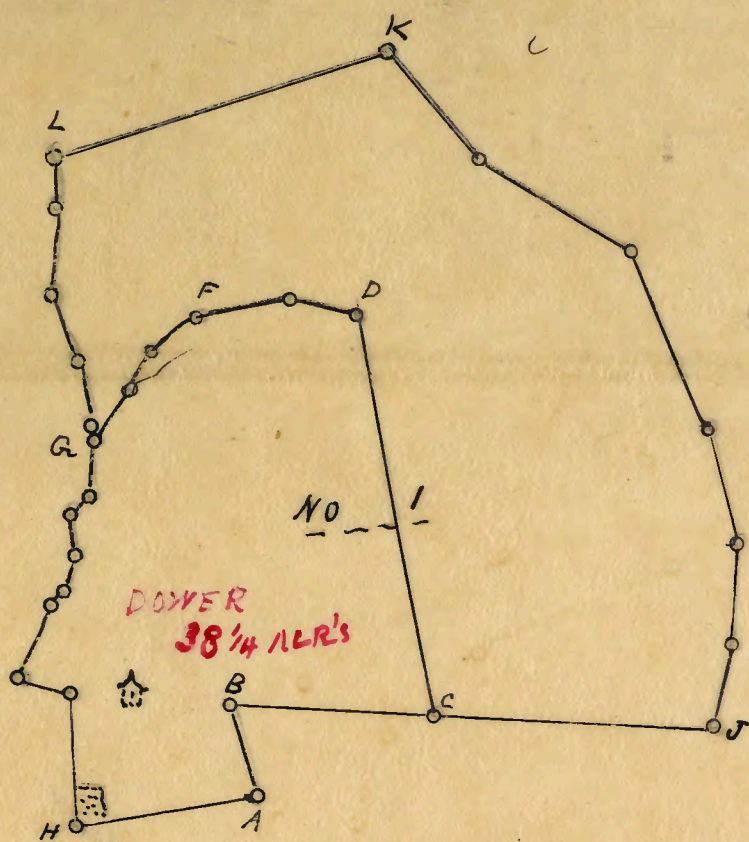
E. E. Carter, et al, Complainants
vs { In the hands of
C. A. Carter, et al Defendants

This Cause came on this day to be heard upon the Complainants' bill, ^{and exhibits filed therewith} process duly executed, the answers of T. P. Carter, Elizabeth Carter Robert Carter and Rhea Carter infants over the age of fourteen years in their own proper persons duly sworn to, and the answers of T. P. Carter Elizabeth Carter Robert Carter Rhea Carter, Fred A. Carter, Robert Carter Dora Kate Carter, and Anne Esther Carter, infants under the age of 21 years by their guardian ad litem Geo. P. Bridlin ^{as this day appointed by Court to} answer for them; ^{and the general replication of said answers} and the adult defendant C. A. Carter having failed to either demur or answer said bill the same is taken for confessed as to ~~the~~ her; and was argued by Counsel. In consideration of all which it is adjudged ordered and decreed that the Complainants are entitled to have the lands ^{mentioned} in said bill partitioned if the same can be so done. It is therefore further ordered and decreed that W. E. Thompson, L. B. Trill & Co. Trill M. R. Gilley and F. K. Wilson ^{any three of whom may act} who are hereby appointed as Commissioners for the purpose, will after being duly sworn as required by law will go upon the lands mentioned in said bill, and partition the same among those entitled thereto: that they will first lay off and assign to the widow C. A. Carter, as her dower one third of all the ^{real} estate of which E. P. Carter died seized and possessed, taking into consideration kind quality and improvement. That they will then lay off and assign to the Complainants ^{and the infants by the former marriage of E. P. Carter} two thirds of said lands in value in a boundary ^{to be made} jointly, kind and quality considered; they will then lay off and assign in a boundary or boundaries one third of said lands to infants of E. P. Carter by his last marriage, adjoining the dower, if the same can be done without injury to the other parties in interest; and will report their action to the next term of the court together with a survey and plot of said lands. If said Commissioners find it impracticable to partition said lands, they will ~~so~~ report to the next term of said Court. And this Cause is continued.

See Carter et al
vs J. M. Channing
C. A. Carter et al
Decree No 1

Entered in Clk
No. 9. Page 68c

Enter this decree.
Sept. 17, 1910
H. A. W. Stone
Judge.



= plat =
 = of =
 = PARTITION =
 = E. P. CARTER'S, Est. =
 = Thompson =

S.E.Carter, et al,

Plaintiffs.

vs.

C.A.Carter, et al.

Defendants.

To the honorable H.A.W.Skeen, judge of the Circuit Court of
Lee Co.Va.

Pursuant to an order of the Circuit Court in the above style cause dated, 9th day of December, 1910. It was ordered and decreed that the said Commissioners go back upon the said lands mentioned in a former decree, and commissioners report, which was filed in the Clerks Office on the 29th day of November, 1910, and partition the same among those entitled there to, as follows;

That is they will lay off and assign to C.A.Carter, the Widow of E.P.Carter as her dower in said lands, one third of all said lands, kind, quality and improvements considered. Of the residue of said lands they will lay off and assign to the children of E.P.Carter by his former marriage, two thirds in value, in a boundary or boundaries jointly, kind and quality considered; they will then lay off and assign in a boundary or boundaries, the remaining one third of the residue of said lands, to the children of the said E.P.Carter by his later marriage jointly, kind and quality considered.

Your undersigned commissioners beg leave to report, that on the 23rd day of January, 1911, after being duly sworn we did go upon the lands of E.P.Carter (deceased) and we find three separate tracts of land. Tract no.(1) shown on plat filed here with known as the Day tract, or Home place, containing by survey One hundred and three (103) Acres. Another tract known as the Wolf Pen Hollow Tract, shown on plat as tract No.(2) containing seventy two (72) acres, also one other tract known as the Gilbert tract, shown on plat as No.(3) containing forty-two acres (42). But only one half of this tract is subject to partition as the former widow, Minervie Carter has a deed for one half for said forty two (42) acres tract. We value the lands as follows.

Tract No.(1) improvements & etc. \$1780.

Tract No.(2) Wolf Pen Hollow Land \$1296.

One Half of Tract No.(3) known as the Gilbert Tract \$260.

Total Value of the estate \$3336.

We then lay off and assign to the widow C.A.Carter, as her dower

thirty eight and one forth ($38 \frac{1}{4}$) Acres out of tract No.(1) including the dwelling house, barn, orchard, meadow and improvements & etc. which we think is one third in value of third estate. Bounded as follows to-wit.

Beginning at a planted stone on W.B. Littons line shown on the plat at (A) thence with said line N.21.W 18 poles to a white oak corner to said Litton's land, shown on plat at (B), thence continuing with his line N.88 $\frac{3}{4}$.E 42 poles to a stake at (C). Thence leaving Littons line N.17.W 84 poles to a stake on the South edge of the New Road. N.83.W 14 poles to a stake. S.73 $\frac{1}{2}$.W 20 poles and 14 links to a persimmon tree, below the Big Spring. S.46 $\frac{3}{4}$.W 12 poles to a stake S.25 $\frac{1}{4}$.W 7 poles and 6 links to a stake in the branch. S.56 $\frac{1}{2}$.W 5 $\frac{3}{4}$ poles to a stake on Youngs Line, with the same S.1.W 12 poles. S.35.W 5 $\frac{1}{2}$ poles .S.6 $\frac{1}{2}$.E 7 $\frac{1}{2}$ poles .S. 14 . W 9 poles. S.50.W 2 poles .S.22.W 19 poles and 5 links to a sassafrass. S.79.E 13 poles to a stake .S.6.E 28 poles to a rock at (H). S.79.E 39 poles to the Beginning.

Wev then lay off and assign to the heirs of E.P. Carter by his later widow C.A. CARTER, that is Fred A. Carter, Rosebert Carter, Dora Kate Carter and Anna E. Carter one third ($\frac{1}{3}$) of the residue of said estate, including the old Samuel Carter house, orchard and etc. It being the remainder of tract no. (1) adjoining the dower, containing $64 \frac{3}{4}$ acres. Bounded as follows to-wit:

Beginning at at stake on W.V. Littons line a corner to the dower, shown on plat at (C) thence with said Littons line N.88 $\frac{3}{4}$.E 58 $\frac{1}{2}$ poles to a stake on top of a ridge, at (J). Thence up the said ridge N.8 $\frac{1}{2}$.E 18 poles to a black oak. N.1.W 20 poles to three small chestnuts. N.17 W 25 poles to a black oak, a corner to the Tob Hues Land, thence up the ridge N.27 $\frac{1}{2}$.W 45 $\frac{3}{4}$ poles to a stake. (Old Pointers Corner) N.62.W 36 poles to a double chest. (Now down). N.44.W 29 $\frac{1}{2}$ poles to a cucumber and maple at (K). S.67 $\frac{3}{4}$.W 73 $\frac{1}{2}$ poles to a stake in the branch one pole below the spring at (L). Thence down the spring branch S.9.E 9 poles to a stake. S.1.E 18 poles S.26 $\frac{1}{2}$.E 14 poles. S.14 .E 14 poles. S.1.W 4 poles to (G) a stake corner to the Dower. Thence with the lines of the same N.56 $\frac{1}{2}$.E 5 $\frac{3}{4}$ poles to a stake in the branch. N.25 $\frac{1}{4}$.E 7 poles and 6 links to a stake. N.46 $\frac{3}{4}$.E 12 poles to a persimmon tree at (F)

N.73 1/2.E 20 poles and 14 links to a stake.S.83.E 14 poles to a stake at (D). S.17.E 84 poles to the Beginning.We then lay off and assign to the heirs of E.P.Carter by his former marriage.S.E.Carter,M.O.Carter Hattie Carter,Gale Carter,Tip Carter,Elizabeth Carter,Robert Carter and Rhea Carter,Two thirds in value of the residue of said estate,which includes the tract No.(2) Known as the Wolfe Pen Hollow Land,and one half in Value of the Gilbert tract No.(3).

Tract No.(2) bounded as follows to-wit:

Beginning at a planted stone a corner to John L.Music,shown on plat at Index (1) N.1 1/2.W 26 poles to a maple,chest oak,chestnut and small hickory on a steep ground,and on the Hobb's line thence with the same S.77 1/4.W 77 poles to three dog woods on the north side of a ridge near the foot of a steep bank,a corner to Thomas Golloways land.S.1.W 85 1/2 poles to a planted stone at (4). S.1/2.W 140 poles to small bushes marked 20 links below a large rock on the Bank of Powell River at (5).Thence up the river as it meanders 62 poles to a Black Walnut on the North Bank Of Powells River at (6).Thence N.3.E 34 poles to two black oak and a dog wood on a bluff at (7).S.65 3/4.E 28 poles to a white oak and sugar tree.N.1.W 64 poles to a planted stone corner to John L.Music at (9).N.88 1/2.W 50 poles and 10 ft.to a stake in a fence at(10) N.2 1/2.W 21 1/4 poles to a stake .N.1 3/4.W 45 poles to a Gate Post (11)N.64 1/2.E 18 poles to a rock and white oak near a spring.N.47 3/4.E 15 poles to three chestnuts on a spur at (12). N.1 1/4.W 33 poles to a rock at (13) N.74 1/2.E 24 poles to the Beginning. containing 72 acres.

One Half of tract No.(3) is bounded as follows to-wit.

Beginning at a white Oak down shown on plat at index (1):

N.41.E 12 poles to a persimmon tree at (2) S.44.E 3 poles to a small white oak.S.33 1/4.E 20 1/4 poles to a sassafrass.S.12 .E 26 poles to a small white oak.S.56 1/2.E 49 poles to a black walnut (Old marked Corner) at(3) S.19 1/2.E 35 poles to a stake 5 1/2 poles short of a Sycamore. On the North side of Powells River.S.60 1/2 .E 44 poles to a stake in a flat.N.55.E24 1/2poles to a sycamore,dogwood,and water birch on the North Bank of Powells River,shown on the plat at (5),thence North westwardly up Powells river as it meanders 72 poles to a stake and small black oak corner to William Gun.N42 1/2.W 30 poles to a

white oak snag on top of the river bluff. S. 77 1/2. W 12 poles to a
planted rock. S. 28 1/2. W 40 poles to the Beginning. Containing 28 1/2
acres. Call of which is respectfully submitted.

W. R. Gilley	)	
F. K. Wilson	)	
Geo. Tritt	)	Commissioners
C. B. Tritt	)	
W. E. Thompson. sur.	)	

Cost of Commis

W. R. Gilley	4 Days	2 ⁰⁰	=	8.00
F. K. Wilson	4 "	2 ⁰⁰	=	8.00
C. B. Tritt	3 1/2 "	2 ⁰⁰	=	7.00
Geo. Tritt	3 1/2 "	2 ⁰⁰	=	7.00
W. E. Thompson	5 " Reprint	3 ⁰⁰	=	15.00
Billy Gilbert	Choirman	1 1/2 "	=	1.50
Robt. Carter	Organ	1 1/2 "	=	1.50
				<u>\$48.00</u>

S. E. Carter, Etal }
U.S. } Chaney.
C. A. Carter v. Etal

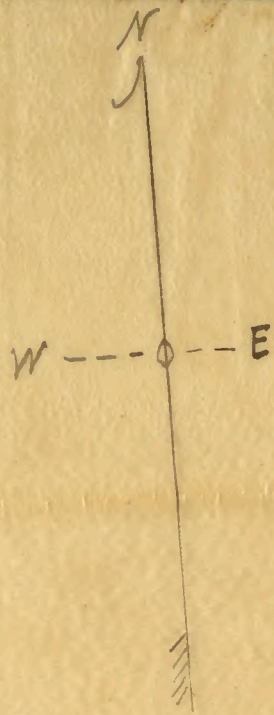
= Commissioners =

Report & Plat

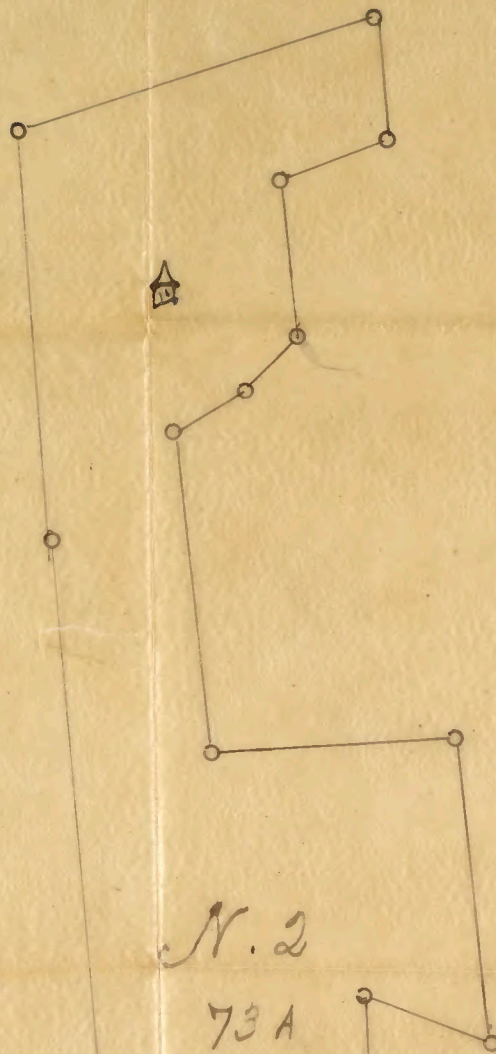
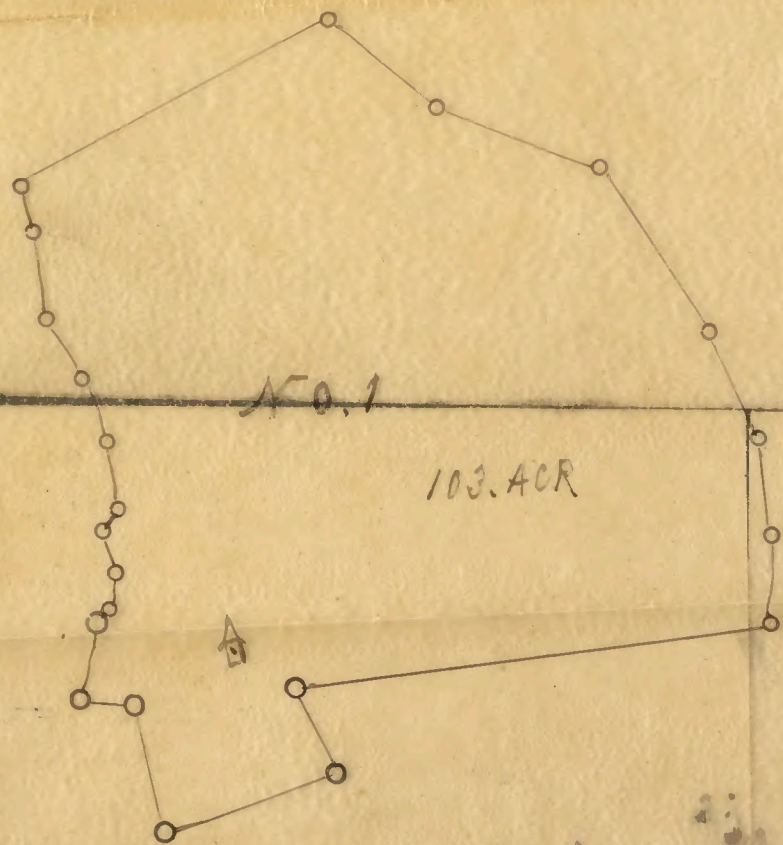
Rec'd. by mail in good
condition & filed Jan.
31st, 1911.

H. E. Ewing,
Clerk.

Recorded in D.B.
No. 50 page 601 re.
Examined Feb. 22,
1911.



≡ Plot ≡
of
E.P. Cartier Lands



POWELL RIVER

To Hon.H.A.W.Skeen,judge of the Circuit Court of Lee County.

At a Circuit Court continued and held for Lee County,at the Court House thereof,on Saturday,the 17th day of September, 1910.

S.E.Carter,et al.

Complainants.

Vs. In Chancery.

C.A.Carter, et al.

Defendants.

It was ordered and decreed that your undersigned commissioners go upon the lands mentioned in the above style cause,and partition the same among those entitled thereto if the same can be so done.We beg leave to report that on the ____ day of Nov.1910.

We did go upon the lands mentioned in said bill of proceedings and after being duly sworn did go over the lands of the Real Estate of which E.P.Carter died,seized and possessed,and after making a survey of said lands (except which had recently been done by our Surveyor)we found the estate of the said E.P.Carter to be in three separate tracts of land as shown on a plat filed herewith as a part of this report.Tract No.(1) contains 103 acres known as the home place,also where the widow C.A.Carter now lives.We omit the bearings and distances in this report.

TRACT No.2 known as the wolfe Pen Hollow Lands containing about 73 acres lies North East of the above described tract about 1/4th of a mile.

TRACT No.3 known as the Gilbert tract,containing 42 acres lies about 1/4th of a mile South East of tract No.2.

We find it impracticable to partition the lands according to the decree set forth,as the lands do not join.and we think it

Very Respectfully Submitted,

	Cost of Corn			
W.E.Thompson	3 days	25°		7.50
M.R.Gilley	2 "	25°		4.00
F.K.Wilson	2 "	25°		4.00
C.B.Fitt	1 1/2 "	25°		3.00
Geo Fitt	1 1/2 "	25°		3.00
W.M.Gilbert	1 1/2 "	1.00		1.50
Rolt Carter	1 1/2 "	1.00		1.50
				<u>\$24.50</u>

W.E.Thompson	)
M.R.Gilley	)
F.K.Wilson	)
Geo Fitt	)
Charles B Fitt	)

Com.

— Com —
Report. S.E. Carter
J.S.
C. A. Carter + etc.

Filed Nov. 29, 1910.
H. C. Ewing,
Clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *W. A. Carter, Fred Carter,*
Robert Carter, Anna Esther Carter, Dora Kate
Carter, Tip Carter, Elizabeth Carter, Robert
Carter, and Rhia Carter

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *3rd* Monday in *June*, 19*10*, to answer a bill in chancery exhibited against *them*
in our said Court by S. E. Carter, Mattie
B. Carter, Moran Carter and G. T. Carter,

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *18th*
day of *May*, 19*10*, and 1 *34th* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing Clerk

_____, Clerk

S.E. Carter, et al.,

VS

SUBPOENA
IN
CHANCERY

C.A. Carter, et al.,

J.C. Noel, p. q.

To *2nd June* Rules
2nd June Court

1910.
Executed on June 1st 1910
by delivering a copy to
C.A. Carter. This June 1st
1910 G.N. Soge & S
for W. Y. Tucker. S.L.C.